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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/742,302	30-Mar-01	JONG WOON PARK, ET AL]	66476-024

Title: EX-VESSEL CORE MELT RETENTION DEVICE
PREVENTING MOLTEN CORE CONCRETE
INTERACTION

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Art Unit	Paper Number
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LICENSING & REVIEW

**Please find attached a communication from the Examiner regarding the
Petition for Retroactive License under 37 CFR 5.25.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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In re: Jong Woon Park et al.
Serial Number: 09/742302
Filed: 22 December 2000
Docket no.: 66476-024

DECISION ON REQUEST
FOR RETROACTIVE LICENSE
UNDER 37 CFR 5.25

Title: Ex-vessel core melt retention device preventing molten core concrete interaction

Decision: Denied

37 CFR 5.25(a) requires the following:

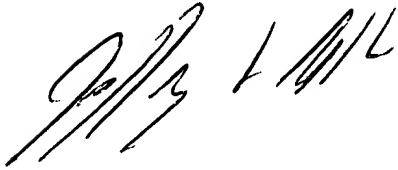
1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
 - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
 - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
 - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition filed 30 March 2001 with a Response received 5 September 2002 is Denied at this time because the petition is defective in that the requirement(s) set forth in 37 C.F.R. 5.25(a) has(have) not been satisfied. To wit:

The requirement of 37 CFR 5.25(a)(3)(iii) has not been met because the individual with authority to file the application abroad must submit a declaration explaining why the material was filed abroad through error and without deceptive intent. This individual is usually an attorney or agent but not in all situations. What is required is that the person with the authority to file abroad

submit a declaration. In the instant petition Mr. Theofanous does not appear to have had the authority to file abroad from a reading of the photocopied emails provided with the petition.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

A handwritten signature in black ink, appearing to read 'J. Gellner', followed by a large, stylized checkmark or the letters 'ML'.

Jeffrey L. Gellner
Assistant Patent Examiner, Group 3643
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